

Baker & Hostetler LLP

45 Rockefeller Plaza

New York, New York 10111

Telephone: (212) 589-4200

Facsimile: (212) 589-4201

David J. Sheehan

Email: dsheehan@bakerlaw.com

Marc E. Hirschfield

Email: mhirschfield@bakerlaw.com

Alissa M. Nann

Email: anann@bakerlaw.com

Hearing Date: November 24, 2009

Time: 10:00 a.m.

Objections Deadline: November 20, 2009

Time: 4:00 p.m.

*Attorneys for Defendant Irving H. Picard,
Trustee for the Substantively Consolidated SIPA
Liquidation of Bernard L. Madoff Investment
Securities LLC and Bernard L. Madoff*

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION
CORPORATION,

Plaintiff,

v.

BERNARD L. MADOFF INVESTMENT
SECURITIES LLC,

Defendant.

In re:

BERNARD L. MADOFF,

Debtor.

Adv. Pro. No. 08-01789 (BRL)

SIPA Liquidation

(Substantively Consolidated)

**NOTICE OF TRUSTEE'S MOTION FOR AN ORDER PURSUANT TO 15 U.S.C.
SECTION 78fff(a) (SECURITIES INVESTOR PROTECTION ACT) AND
SECTIONS 105(a) AND 363 OF THE BANKRUPTCY CODE AUTHORIZING
THE AMENDMENT, TERMINATION AND LIQUIDATION OF
DEBTOR'S 401(k) PLAN, EFFECTIVE NOVEMBER 30, 2009**

Irving H. Picard, Esq., as trustee for the substantively consolidated liquidation of Bernard L. Madoff Investment Securities LLC (“BLMIS”) and the estate of Bernard L. Madoff, by and through his undersigned counsel, will move before the Honorable Burton R. Lifland, United States Bankruptcy Judge, at the United States Bankruptcy Court, the Alexander Hamilton Customs House, One Bowling Green, New York, New York 10004-1408, on **November 24, 2009 at 10:00 a.m.**, or as soon thereafter as counsel may be heard, seeking entry of an order, authorizing the Trustee to enter into amendments, effective November 30, 2009, or as soon as feasible thereafter, to and effectuate the termination and liquidation of the Debtor’s 401(k) Plan, the sole employee pension benefit plan sponsored and maintained by the Debtor.

PLEASE TAKE FURTHER NOTICE that written objections to the Motion must be filed with the Clerk of the United States Bankruptcy Court, One Bowling Green, New York, New York 10004 by no later than **4:00 p.m. on November 20, 2009** (with a courtesy copy delivered to the Chambers of the Honorable Burton R. Lifland) and must be served upon (a) Baker & Hostetler LLP, counsel for the Trustee, 45 Rockefeller Plaza, New York, New York 10111, Attn: Oren J. Warshavsky, Esq. and (b) the Securities Investor Protection Corporation, 805 Fifteenth Street, NW, Suite 800, Washington, DC 20005, Attn: Kevin H. Bell, Esq. Any objections must specifically state the interest that the objecting party has in these proceedings

and the specific basis of any objection to the Motion.

Dated: New York, New York
November 10, 2009

By: s/Alissa M. Nann
Baker & Hostetler LLP
45 Rockefeller Plaza
New York, New York 10111
Telephone: (212) 589-4200
Facsimile: (212) 589-4201
David J. Sheehan
Email: dsheehan@bakerlaw.com
Marc E. Hirschfield
Email: mhirschfield@bakerlaw.com
Alissa M. Nann
Email: anann@bakerlaw.com

*Attorneys for Defendant Irving H. Picard,
Trustee for the Substantively Consolidated
SIPA Liquidation of Bernard L. Madoff
Investment Securities LLC and Bernard L. Madoff*